

Notice of Allowability	Application No.	Applicant(s)	
	10/661,095	ROWE, RICHARD E.	
	Examiner	Art Unit	
	ARTHUR O. HALL	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a RCE filed on 9/15/2009 to a Final Office Action mailed on 6/18/2009.
2. ☒ The allowed claim(s) is/are 15-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/11/2010</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Arthur O Hall/
Examiner, Art Unit 3714

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roger S. Sampson Reg. No. 44,314 on 1/11/2010.

The application has been amended as follows:

In Claim 15,

15. (Currently Amended) A gaming machine, comprising:
circuitry for receiving data from a promotional device in communication with the gaming machine, the circuitry configured to:

retrieve, from the promotional device, information identifying an indicia of credit for use in wager-based gaming;

retrieve, from the promotional device, information identifying a specific gaming application, the indicia of credit being limited to use only with instances of the specific gaming application; and

retrieve, from the promotional device, player identification information for a specific player associated with the promotional device, and

a processor configured to:

generate play of a wager-based game;

determine, based at least in part on the retrieved information identifying the specific gaming application, whether an instance of the specific gaming application is available for play on the gaming machine;

authenticate, using the retrieved player identification information, the specific player associated with the promotional device; ~~[[and]]~~

determine, based at least in part on the determination as to whether ~~thean~~ instance of the specific gaming application is available for play, whether ~~or not~~ to apply the indicia of credit for use on the gaming machine; and

when the processor determines that the specific gaming application is available and when the specific player is authenticated, indicate that the indicia of credit is available to be used for play of the specific gaming application.

In Claim 26,

26. (Currently Amended) A method for operating a wager-based gaming machine, comprising:

retrieve, from a promotional device, information identifying an indicia of credit for use in wager-based gaming;

retrieve, from the promotional device, information identifying a specific gaming application, the indicia of credit being limited to use only with instances of the specific gaming application;

retrieve, from the promotional device, player identification information for a specific player associated with the promotional device; and

prior to enabling operation of the specific gaming application on the wager-based gaming machine and applying the credit toward the specific gaming application:

authenticating, using the retrieved player identification information, the specific player associated with the promotional device;

determining, based at least in part on the retrieved information identifying the specific gaming application, whether an instance of the specific gaming application is available for play on the gaming machine; ~~[[and]]~~

determining, based at least in part on the determination as to whether ~~thean~~ instance of the specific gaming application is available for play, whether ~~or not~~ to apply the indicia of credit for use on the gaming machine; and

when an instance of the specific gaming application is available for play on the gaming machine and when the specific player is authenticated, indicating that the indicia of credit is available to be used for play of the instance of the specific gaming application.

In Claim 41,

41. (Currently Amended) A promotional device ~~for effecting~~ that effects operation of a specific gaming application for a wager-based game on a gaming site ~~[[via]]~~ over the Internet, when the specific gaming application is available for play on the gaming site, the promotional device configured to store information comprising:

1) game-specific indicia of credit, the game-specific indicia of credit being limited to use only with instances of the specific gaming application,

2) information used to identify a specific player to which operation of the specific gaming application and application of the credit is limited and

3) information used to identify the specific gaming application,

wherein the information stored on the promotional device, when transmitted from a personal computer to a gaming site ~~[[via]]~~ over the Internet, allows the gaming site to determine 1) an identity of the specific player to be authenticated and 2) an availability of an instance of the specific gaming application to be determined prior to the indicia of credit being used on the ~~wager-based gaming machine~~ gaming site for only the specific gaming application.

In Claim 42,

42. (Currently Amended) A promotional device ~~for effecting~~ that effects operation of a specific gaming application on a wager-based gaming machine, when an instance of the specific gaming application is available for play on the wager-based gaming machine that is in communication with the promotional device, the promotional device configured to store ~~the following~~ information comprising:

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game-specific indicia of credit, the game-specific indicia of credit being limited to use only with instances of the specific gaming application;

information used to identify a specific player to which operation of the specific gaming application and application of the indicia of credit is limited; and

information used to identify the specific gaming application,

wherein the information stored on the promotional device, when transmitted to the wager-based gaming machine, allows the wager-based gaming machine to determine 1) an identity of the specific player to be authenticated and 2) an availability of an instance of the specific gaming application, the identity and the availability to be determined prior to the indicia of credit being used on the wager-based gaming machine for only the specific gaming application.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The closest prior art for the features of the claimed invention are Thacher et al. (US Patent 5,917,725; hereinafter Thacher), Luciano et al. (US Patent 6,500,067; hereinafter Luciano), Mish (US Patent 6,254,006), Saunders et al. (US Patent 6,340,331; hereinafter Saunders), and Sarbin et al. (US Patent 5,179,517; hereinafter Sarbin).

However, Thacher alone or in combination with Luciano, Mish, Saunders and Sarbin does not disclose a wager-based gaming machine and method of operating the wager-based gaming machine using a promotional device that stores game-specific indicia of credit, information identifying the specific gaming application for which the credit is limited, and information identifying the specific player such that the indicia of

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credit, the specific gaming application information and the specific player information is retrieved from the promotional device, a wager-based game is generated, an instance of the specific gaming application is determined to be available for play on the gaming machine based on at least the retrieved specific gaming application, the specific player is authenticated using the retrieved specific player information, a determination is made of whether to apply the indicia of credit for use on the gaming machine based at least on whether the instance of the specific gaming application is available for play, and the indicia of credit is indicated as available to be used to play a specific gaming application when the specific application is available and when the specific player is authenticated. Thus, the claimed invention is not anticipated by nor obvious over the closest prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./
Examiner, Art Unit 3714